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c 38 The Nursing Homes Amendment Act, 1973

Ontario

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CHAPTER 38

**An Act to amend
The Nursing Homes Act, 1972**

*Assented to June 1st, 1973
Session Prorogued March 5th, 1974*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Section 4 of *The Nursing Homes Act, 1972*, being chapter ^{s. 4,} 11, is amended by adding thereto the following subsections: ^{amended}

(1a) Notwithstanding subsection 1, where an application is made for a licence under this Act and the Minister states in writing to the Director that it is not in the public interest to grant a licence to establish, operate or maintain the nursing home in the area where the applicant proposes to establish, operate or maintain the nursing home, section 7 shall not apply and the Director shall not issue a licence to the applicant and shall give written notice to the applicant of the refusal and of the Minister's statement. ^{Where proposal not in public interest}

(1b) Notwithstanding subsection 1, where an application is made for a licence under this Act and the Minister states in writing to the Director that it is not in the public interest to grant a licence to establish, operate or maintain the nursing home with a total bed capacity greater than the total bed capacity set out in the Minister's statement, section 7 shall not apply and where the Director issues a licence to the applicant upon such application the Director shall give written notice to the applicant of the Minister's statement and the licence shall be limited to a total bed capacity not greater than that set out in the Minister's statement. ^{Idem}

(1c) In considering under subsection 1a whether it is in the public interest to grant a licence to establish, operate or maintain a nursing home in an area and in considering under subsection 1b whether it is in the public interest to fix the maximum total bed capacity for which the Director may issue a licence to the applicant, the Minister shall take into account, ^{Matters to be considered by Minister}

- (a) the licensed nursing home bed capacity that exists,

- (i) in the area, or
- (ii) in the area and any other area;
- (b) the health facilities other than facilities for nursing care that are available,
 - (i) in the area, or
 - (ii) in the area and any other area;
- (c) the number of applicants for nursing care,
 - (i) in the area, or
 - (ii) in the area and any other area;
- (d) the predictable continuing demand for nursing home facilities,
 - (i) in the area, or
 - (ii) in the area and any other area; or
- (e) the funds available to provide continuing extended care in nursing homes in Ontario.

s. 4 (2) (b),
repealed

(2) Clause *b* of subsection 2 of the said section 4 is repealed.

s. 14,
re-enacted

2. Section 14 of the said Act is repealed and the following substituted therefor:

Excessive
charges
prohibited

14. No licensee shall demand or accept or cause or permit any person to demand or accept on his behalf payment in excess of,

1972, c. 91

- (a) for services that are insured services under *The Health Insurance Act, 1972*,
 - (i) the amount prescribed under that Act for the insured services, or
 - (ii) the amount prescribed by the regulations as co-payment for the insured services;
- (b) for private accommodation in an extended care unit, the amount prescribed by the regulations; or
- (c) for semi-private accommodation in an extended care unit, the amount prescribed by the regulations.

14a. The Minister shall bring action to recover from a licensee any excess payment referred to in section 14 that is accepted by or on behalf of the licensee, with costs, by action in a court of competent jurisdiction and, upon such recovery, shall pay the amount of the excess payment recovered to the person from whom it was accepted by or on behalf of the licensee.

Recovery
of excess
payment

3. This Act comes into force on the day it receives Royal Assent.
4. This Act may be cited as *The Nursing Homes Amendment Act, 1973*.

Commence-
ment

Short title

